

5608--A

2015-2016 Regular Sessions

I N   S E N A T E

May 19, 2015

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Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to extending, in a city with a population of one million or more, the bus rapid transit program; to amend part II of chapter 59 of the laws of 2010, relating to establishing a bus rapid transit demonstration program to restrict the use of bus lanes by means of bus lane photo devices, in relation to the effectiveness date thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Paragraph 1 of subdivision (a) of section 1111-c of the  
2     vehicle and traffic law, as added by section 9 of part II of chapter 59  
3     of the laws of 2010, is amended to read as follows:  
4     1. Notwithstanding any other provision of law, the city of New York is  
5     hereby authorized and empowered to establish a bus rapid transit [demon-  
6     stration] program imposing monetary liability on the owner of a vehicle  
7     for failure of an operator thereof to comply with bus lane restrictions  
8     in such city in accordance with the provisions of this section. The New  
9     York city department of transportation or applicable mass transit agen-  
10    cy, for purposes of the implementation of such program, shall operate  
11    bus lane photo devices only within DESIGNATED BUS LANES IN such bus  
12    rapid transit [demonstration] program [and on select bus service lanes  
13    in such city]. Such bus lane photo devices may be stationary or mobile  
14    and shall be activated at locations determined by such department of  
15    transportation and/or on buses selected by such department of transpor-  
16    tation in consultation with the applicable mass transit agency.  
17    S 2. Paragraph 4 of subdivision (a) of section 1111-c of the vehicle  
18    and traffic law, as added by section 9 of part II of chapter 59 of the  
19    laws of 2010, is amended to read as follows:

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 4. Within the city of New York, such bus lane photo devices shall only  
2 be operated on designated bus lanes [that are select bus service lanes]  
3 within the bus rapid transit [demonstration] program and only [during  
4 weekdays] from 7:00 a.m. to 7:00 p.m. WARNING NOTICES OF VIOLATION WILL  
5 BE ISSUED DURING THE FIRST SIXTY DAYS THAT BUS LANE PHOTO DEVICES ARE  
6 OPERATED ON EACH ROUTE IN THE BUS RAPID TRANSIT PROGRAM THAT IS ESTAB-  
7 LISHED AFTER JUNE FIFTEENTH, TWO THOUSAND FIFTEEN.

8 S 3. Subdivision (b) of section 1111-c of the vehicle and traffic law,  
9 as added by section 9 of part II of chapter 59 of the laws of 2010, is  
10 amended to read as follows:

11 (b) If the city of New York has established a bus rapid transit  
12 [demonstration] program pursuant to subdivision (a) of this section, the  
13 owner of a vehicle shall be liable for a penalty imposed pursuant to  
14 this section if such vehicle was used or operated with the permission of  
15 the owner, express or implied, in violation of any bus lane restrictions  
16 that apply to routes within such [demonstration] program, and such  
17 violation is evidenced by information obtained from a bus lane photo  
18 device; provided however that no owner of a vehicle shall be liable for  
19 a penalty imposed pursuant to this section where the operator of such  
20 vehicle has been convicted of the underlying violation of any bus lane  
21 restrictions.

22 S 4. Paragraphs 3, 4, 5, 6 and 7 of subdivision (c) of section 1111-c  
23 of the vehicle and traffic law, paragraphs 3, 4, 5 and 6 as added by  
24 section 9 of part II of chapter 59 of the laws of 2010, and paragraph 7  
25 as amended by section 2 of part SS of chapter 57 of the laws of 2010,  
26 are amended to read as follows:

27 3. "bus lane restrictions" shall mean restrictions on the use of  
28 designated traffic lanes by vehicles other than buses imposed on routes  
29 within a bus rapid transit [demonstration] program by local law and  
30 signs erected by the department of transportation of a city that estab-  
31 lishes such a [demonstration] program pursuant to this section.

32 4. "Bus Rapid Transit Phase I plan" shall mean the following five bus  
33 rapid transit routes as designated by the New York city department of  
34 transportation: Fordham Road, First/Second Avenue, Nostrand Avenue,  
35 Thirty-Fourth Street, Hylan Boulevard, and an undesignated route in the  
36 borough of Queens not to exceed ten miles. [For purposes of the Fordham  
37 Road and First/Second Avenue routes, the authorization of this pilot  
38 program is limited to the designated bus lanes as mapped and posted on  
39 the official metropolitan transportation authority website as of June  
40 seventeenth, two thousand ten. Such designated bus lanes shall not be  
41 extended, shifted to another roadway or altered in any other way.  
42 Provided, however, that nothing shall prohibit the alteration or addi-  
43 tion of any bus stops within such mapped routes.

44 5. "select bus service lane" shall mean a designated bus lane that  
45 includes upgraded signage, enhanced road markings, minimum bus stop  
46 spacing, and may include off-board fare payment, traffic signal priority  
47 for buses, and any other enhancement that increases bus speed or reli-  
48 ability within the "Bus Rapid Transit Phase I" plan.

49 6] 5. "bus rapid transit [demonstration] program" shall mean [a pilot  
50 program that operates exclusively on select bus service lanes within the  
51 "Bus Rapid Transit Phase I" plan pursuant to this section. Provided,  
52 however, to utilize a bus lane photo device pursuant to this program,  
53 the roadway, except for the 34th Street and Nostrand Avenue bus rapid  
54 transit routes, must have at least two lanes of traffic in the same  
55 direction in addition to the select bus service lane] UP TO TEN ROUTES  
56 DESIGNATED BY THE NEW YORK CITY DEPARTMENT OF TRANSPORTATION IN CONSUL-

1 TATION WITH THE APPLICABLE MASS TRANSIT AGENCY, IN ADDITION TO THE BUS  
2 RAPID TRANSIT PHASE I PLAN ROUTES, THAT OPERATE ON DESIGNATED BUS LANES  
3 AND THAT MAY INCLUDE UPGRADED SIGNAGE, ENHANCED ROAD MARKINGS, MINIMUM  
4 BUS STOP SPACING, OFF-BOARD FARE PAYMENT, TRAFFIC SIGNAL PRIORITY FOR  
5 BUSES, AND ANY OTHER ENHANCEMENT THAT INCREASES BUS SPEED OR  
6 RELIABILITY.

7 [7] 6. "designated bus lane" shall mean a lane dedicated for the  
8 exclusive use of buses with the exceptions allowed under 4-12(m) and  
9 4-08(a)(3) of title 34 of the rules of the city of New York.

10 S 5. Subdivision (e) of section 1111-c of the vehicle and traffic law,  
11 as added by section 9 of part II of chapter 59 of the laws of 2010, is  
12 amended to read as follows:

13 (e) An owner liable for a violation of a bus lane restriction imposed  
14 on any route within a bus rapid transit [demonstration] program shall be  
15 liable for monetary penalties in accordance with a schedule of fines and  
16 penalties promulgated by the parking violations bureau of the city of  
17 New York; provided, however, that the monetary penalty for violating a  
18 bus lane restriction shall not exceed one hundred fifteen dollars;  
19 provided, further, that an owner shall be liable for an additional  
20 penalty not to exceed twenty-five dollars for each violation for the  
21 failure to respond to a notice of liability within the prescribed time  
22 period.

23 S 6. The opening paragraph of section 14 of part II of chapter 59 of  
24 the laws of 2010, relating to establishing a bus rapid transit demon-  
25 stration program to restrict the use of bus lanes by means of bus lane  
26 photo devices, is amended to read as follows:

27 This act shall take effect on the ninetieth day after it shall have  
28 become a law and shall expire [5] 10 years after such effective date  
29 when upon such date the provisions of this act shall be deemed repealed;  
30 and provided that any rules and regulations related to this act shall be  
31 promulgated on or before such effective date, provided that:

32 S 7. This act shall take effect immediately; provided that the amend-  
33 ments to section 1111-c of the vehicle and traffic law made by sections  
34 one, two, three, four and five of this act shall not affect the repeal  
35 of such section and shall be deemed repealed therewith.